



PATENT  
HES 2002-IP-006493

1723  
#12  
7-31-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alan B. Duell et al. )  
Serial No.: 10/085,443 ) Art Unit: 1723  
Filed: February 28, 2002 ) Examiner: Unknown  
For: CONTROL SYSTEM AND METHOD )  
FOR FORMING SLURRIES )

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JUN 28 2002  
TC 1700

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

**U. S. PATENTS**

U.S. Patent No. 4,353,482 issued October 12, 1982 to Harvard L. Tomlinson et al.

U.S. Patent No. 4,490,044 issued December 25, 1984 to Makoto Saito et al.

U.S. Patent No. 5,775,803 issued July 7, 1998 to Clifford Stanley Montgomery et al.


**FOREIGN PATENTS**

PCT International Publication Number WO 02/44517 A1 published June 6, 2002.

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Copies of the aforementioned references and Form PTO-1449 are submitted herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Wustenberg". The signature is fluid and cursive, with the first name "John" and last name "Wustenberg" clearly distinguishable.

John W. Wustenberg  
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580-251-3782

Sheet 1 of 1

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. 2002-IP-006493	SERIAL NO. 10/085,443
	APPLICANT Alan B. Duell et al.	
	FILING DATE February 28, 2002	GROUP 1723

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	4,353,482	10/12/82	Tomlinson et al.	222	1	
	AB	4,490,044	12/25/84	Saito et al.	366	17	
	AC	5,775,803	07/07/98	Montgomery et al.	266	2	
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL	WO 02/44517	06/06/02	PCT	E21B	33/13	X	
	A1							
	AM							
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	
	AS	
	AT	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

inventor(s)

for

title of invention

OR

In re application of: Alan B. Duell et al.

Serial No.: 0 10 / 085,443

Group Art Unit: 1723

Filed: February 28, 2002

Examiner: unknown

For: Control System and Method for Forming Slurries

Assistant Commissioner for Patents  
Washington, D.C. 20231RECEIVED  
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TC 1700TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 06/18/02

## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Sheila Gibbs  
Signature

Sheila Gibbs  
(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 1 of 2)

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#4

NOTE: The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

  
SIGNATURE OF ATTORNEY

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office  
Action [6-3]-page 2 of 2)